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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,724	08/26/1999	KEUNSUK P. CHANG	361752000100	6966

25227 7590 06/09/2003

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MCLEAN, VA 22102

EXAMINER

TARAZANO, DONALD LAWRENCE

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 06/09/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-19

**Office Action Summary**

Application No.

09/383,724

Applicant(s)

CHANG ET AL.

Examiner

D. Lawrence Tarazano

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 10 January 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

## DETAILED ACTION

The applicants' claims are directed to materials in which the resin of the second resin layer "consists essentially of polypropylene resin". The examiner interprets "polypropylene resin" to be materials which predominately contain "propylene" repeating units and would include copolymers and blends of polypropylene resins. The term "polypropylene resin" is not limited to "polypropylene homopolymers" or a single polypropylene material..

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. (6,291,063).

3. Shah et al teach films having a base layer and at least one surface layer. (Claim 25). The base layer comprises polyethylene materials and the surface layer comprises the applicants' claimed combination of components for the expressed purpose of improved processibility (column 2, lines 15-65). The surface layer can be polypropylene materials such as "propylene

Art Unit: 1773

homopolymer" (column 11, lines 9+), and the amounts of additives such as silicone oil, and fatty acid amides are within the claimed range (column 12, lines 30-50). The films are surface treated as claimed (column 13, lines 37+).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, and 6-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno et al. (5,441,802).

6. Mizuno et al. teach films comprising a substrate layer comprising a crystalline polypropylene and at least one surface layer comprising a polypropylene component and inorganic particles [such as zeolites, (column 3, lines 66+; which correspond to aluminosilicate materials), or non-melting siloxane particles (column 4, lines 5+; which correspond to cross linked silicone particles)]. The surface layers can also comprise silicone oils in amounts of 0.1 to 1 part per resin component A; thus, the amount would be within the claimed range.

7. The thickness of the layers is within the claimed range (column 6, lines 36+) and the layers may be treated by corona discharge to prevent bleeding of antistatic agents.

8. The essential difference between the claimed invention and that of the prior art is the specific combination of antiblocking agents and lubricants. In the absence of unexpected results,

Art Unit: 1773

it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the cited antiblocking agents and lubricants in the films taught by Mizuno et al. for their known and expected function, in which the amounts of these components would be directly related to the lubricating / antiblocking properties realized.

9. Regarding claims 6, 7, and 8, the examiner takes the position that the applicants are merely using commercially available additives, which generically fall within the disclosure of Mizuno et al. In the absence of unexpected results related to a specific material used, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used commercially available products for their known and expected function.

10. Claims 1-4, 6-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (6,291,063).

11. Shah et al as discussed above teach films having a base layer and at least one surface layer.

12. In the absence of unexpected results, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the cited antiblocking agents and lubricants in the films taught by Shah et al. for their known and expected function, in which the amounts of these components would be directly related to the lubricating / antiblocking properties realized.

13. Regarding claims 6, 7, and 8, the examiner takes the position that the applicants are merely using commercially available additives, which generically fall within the disclosure of Shah et al. In the absence of unexpected results related to a specific material used, it would have

Art Unit: 1773

been obvious to one having ordinary skill in the art at the time the invention was made to have used commercially available products for their known and expected function.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-4, and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

15. In paper 15 (dated March 15), applicants state that that Mizuno et al. comprise copolymers and acid modified polypropylene as essential components and that there would be no reason to leave them out in the applicants invention. This argument is not persuasive. It is not important if the materials are essential components of the prior art. The issue is how the materials would affect the basic and novel characteristics of their invention. Because the applicants have provided no reason on how the additives would affect their materials, the examiner is not convinced by their arguments.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Lawrence Tarazano whose telephone number is (703)-308-2379. The examiner can normally be reached on 8:30 to 6:00 (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on (703)-309-2367. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9310 for regular communications and (703)-872-9311 for After Final communications.

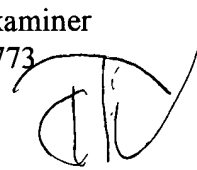
Application/Control Number: 09/383,724

Page 6

Art Unit: 1773

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0661.

D. Lawrence Tarazano  
Primary Examiner  
Art Unit 1773

A handwritten signature in black ink, appearing to be 'DLT' with a large checkmark or flourish extending from the end.

dlt  
April 2, 2003